

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

GOOGLE INC. AND	§	
GOOGLE PAYMENT CORPORATION,	§	
	§	
Plaintiffs	§	
	§	
v.	§	CIVIL ACTION NO. _____
	§	
VISA INC., VISA U.S.A., INC., VISA	§	
INTERNATIONAL SERVICE	§	
ASSOCIATION, MASTERCARD	§	
INCORPORATED, AND MASTERCARD	§	
INTERNATIONAL INCORPORATED,	§	
	§	
Defendants.	§	

**PLAINTIFFS' ORIGINAL COMPLAINT AND JURY DEMAND**

In this Complaint against Defendants Visa, Inc., Visa U.S.A., Inc., Visa International Service Association (collectively "Visa"), MasterCard Incorporated, and MasterCard International Incorporated (collectively "MasterCard"), Plaintiffs allege as follows:

**JURISDICTION AND VENUE**

1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1337 because this action arises under Section 1 of the Sherman Act, 15 U.S.C. § 1.
2. Venue is proper in the United States District Court for the Eastern District of Texas under 28 U.S.C. § 1391. Defendants reside in, are found in, have agents in, and/or transact business in this District as provided in 29 U.S.C. §1391(b) and (c). A substantial part of the interstate trade and commerce involved and affected by the alleged violations of the antitrust laws was carried on within the Eastern District of Texas. Accordingly, the acts complained of had substantial anticompetitive effects in this judicial district.

### **BACKGROUND FACTS**

3. During the January 1, 2004 to November 28, 2012 time period, Plaintiffs were merchants and accepted both Visa and MasterCard credit and debit cards for payment. Accordingly, Google Inc. and Google Payment Corporation have had to pay and have paid Defendants' interchange fees, and have abided by the related restraints imposed on merchants that accept Visa and MasterCard credit and debit cards.

4. Plaintiffs have timely opted out of the Rule 23(b)(3) settlement class approved by the court on November 28, 2012 in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, Case No. 1:05-md-01720-JG-JO, United States District Court for the Eastern District of New York.

### **ALLEGATIONS AND CLAIMS FOR RELIEF**

5. Visa and MasterCard have adopted and imposed supra-competitive "default" interchange fees and other restraints on Plaintiffs throughout the January 1, 2004 to November 28, 2012 time period.

6. Defendants' credit and debit card interchange fees and the related restraints violated Section 1 of the Sherman Act.

7. As a result of Defendants' violations of Section 1 of the Sherman Act, Plaintiffs have suffered antitrust injury.

8. Plaintiffs seek to recover actual damages for their losses.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court enter judgment in favor of Plaintiffs and against each Defendant, and award Plaintiffs their actual damages as well as all other relief which the Court deems just, equitable, and proper.

Respectfully submitted,

By: /s/ David T. Moran

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